

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

No. 1:18-cv-01776-JRT-HB

In Re Pork Antitrust Litigation
This Document Relates to: All Actions

**MOTION TO DISMISS OF DEFENDANTS SEABOARD FOODS LLC
AND SEABOARD CORPORATION**

Defendants Seaboard Foods LLC and Seaboard Corporation hereby move pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for dismissal of Plaintiffs' First Amended and Consolidated Class Action Complaints in the above-captioned action.¹

This Motion is supported by Seaboard Foods LLC and Seaboard Corporation's Memorandum in Support of Motion to Dismiss, the Declaration of Peter J. Schwingler and accompanying exhibits, and all of the files, records, and proceedings herein, including Defendants' Joint Motion to Dismiss the Direct Purchaser Plaintiffs' Complaint and the Federal Law Claims in the Indirect Purchaser Plaintiffs' Complaints for Failure to State a Claim Upon Which Relief May Be Granted and Defendants' Joint Motion to

¹ This action consolidated thirteen separately-filed actions. (Dkt. No. 85.) The docket numbers for the Consolidated Complaints subject to this Motion are as follows: 18-cv-01776-JRT-HB (Dkt. No. 74); 18-cv-01803-JRT-HB (Dkt. No. 83); 18-cv-01810-JRT-HB (Dkt. No. 70); 18-cv-01891-JRT-HB (Dkt. No. 63); 18-cv-01946-JRT-HB (Dkt. No. 59); 18-cv-02008-JRT-HB (Dkt. No. 70); 18-cv-02044-JRT-HB (Dkt. No. 66); 18-cv-02058-JRT-HB (Dkt. No. 64); 18-cv-02113-JRT-HB (Dkt. No. 54); 18-cv-02337-JRT-HB (Dkt. No. 32); 18-cv-02338-JRT-HB (Dkt. No. 32); 18-cv-02390-JRT-HB (Dkt. No. 34); 18-cv-02405-JRT-HB (Dkt. No. 9).

Dismiss the State Law Claims in the Commercial and Individual Indirect Purchaser
Plaintiffs' Complaints.

Dated: October 23, 2018

/s/ William L. Greene

William L. Greene (#0198730)
Peter J. Schwinger (#0388909)
Jon M. Woodruff (#0399453)
STINSON LEONARD STREET LLP
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402
Phone: (612) 335-1500
Fax: (612) 335-1657
william.greene@stinson.com
peter.schwinger@stinson.com
jon.woodruff@stinson.com

J. Nicci Warr (*pro hac vice*)
STINSON LEONARD STREET LLP
7700 Forsyth Boulevard, Suite 1100
St. Louis, MO 63105
Phone: (314) 863-0800
Fax: (314) 863-9388
nicci.warr@stinson.com

**Attorneys for Defendants
Seaboard Foods LLC and
Seaboard Corporation**